

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NAT'L UNION FIRE INS. CO. OF
PITTSBURGH, PA,

Plaintiff,

v.

ROBERT WINN,

Defendant.

No. 2:21-cv-1140-WBS-KJN

ORDER VACATING HEARING AND
ORDER TO RESPOND

Presently pending before the court is plaintiff's motion for default judgment, which is set for hearing on February 1, 2021.¹ (ECF No. 11.) Pursuant to Local Rule 230(c), defendant was required to file an opposition or statement of non-opposition to the motion no later than fourteen (14) days prior to the hearing date, i.e., by January 18. Although that deadline has passed, no opposition or statement of non-opposition was filed.

Out of an abundance of caution, and in light of the court's desire to resolve the action on the merits, the court provides defendant one additional, final opportunity to oppose the motion.

Accordingly, IT IS HEREBY ORDERED that:

1. The February 1 hearing on plaintiff's motion for default judgment is VACATED. The court takes this matter under submission on the papers without oral argument, pursuant

¹ The motion was re-noticed for hearing before the undersigned, after originally being improperly noticed for hearing on October 8, 2021. (ECF Nos. 17-19.)


1 to Local Rule 230(g). The court will reschedule a hearing at a future date, if
2 necessary;

3 2. Any opposition shall be filed no later than February 1, 2022, and the reply brief from
4 plaintiff, if any, is due February 8, 2022;

5 3. Defendant is cautioned that failure to respond to the motion in compliance with this
6 order will be deemed as consent to a summary grant of the motion, and may result in
7 the imposition of a default judgment against defendant; and

8 4. Plaintiff shall promptly serve a copy of this order on defendant at his last-known
9 address, and file a proof of service.

10 Dated: January 19, 2022

11 
12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

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